

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

GEORGE HENGLE and LULA WILLIAMS,)
on behalf of themselves and all individuals)
similarly situated,)
)
Plaintiffs,)
)
v.) Civil Action No. 3:18-cv-100-REP
)
MARK CURRY, AMERICAN WEB LOAN,)
INC., AWL, INC., RED STONE, INC.,)
MEDLEY OPPORTUNITY FUND II LP, and)
MEDLEY CAPITAL CORPORATION,)
)
Defendants.)

**MOTION TO TRANSFER TO THE NEWPORT NEWS DIVISION
BY AWL, INC., AMERICAN WEB LOAN, INC. AND RED STONE, INC.**

Specially-Appearing Defendants AWL, Inc., American Web Loan, Inc. and Red Stone, Inc. (collectively “AWL”),¹ by counsel, and pursuant to 28 U.S.C. § 1404, respectfully move this Court to transfer this action to the Newport News Division of the United States District Court for the Eastern District of Virginia, where a duplicative putative class action is already pending. *See Solomon, et al. v. American Web Loan Inc., et al.*, Civil Action No. 4:17-cv-00145-RAJ-RJK (E.D. Va. filed Dec. 15, 2017) (“*Solomon*”).

¹ The Complaint names American Web Loan, Inc. and AWL, Inc. as Defendants. American Web Loan is a name under which AWL, Inc. occasionally does business. The two are thus properly treated as a single entity for purposes of this action. AWL, Inc. and Red Stone, Inc. are both owned by the federally recognized Otoe-Missouria Tribe of Indians, and therefore, appear specially for the sole and limited purpose of filing this motion to transfer so that they may seek consolidation of this case with the duplicative *Solomon* litigation currently pending in the Newport News Division. All three specially-appearing Defendants expressly reserve and do not waive their defense of tribal immunity from suit. For simplicity, all three specially-appearing Defendants are collectively referred to as AWL.

In the alternative, AWL respectfully requests the Court stay proceedings in this matter, pending disposition of initial motions and responsive pleadings due to be filed in the *Solomon* action on March 3, 2018.

AWL relies upon and incorporates herein the argument and legal authorities contained in the memorandum of law filed in support of this Motion to Transfer to the Newport News Division.

Upon filing this Motion to Transfer to the Newport News Division, AWL will file a Notice in the *Solomon* action to inform the Court of this filing and AWL's request.

Dated: February 21, 2018

Respectfully submitted,

AWL, INC., AMERICAN WEB LOAN, INC.
and RED STONE, INC.

By Counsel

/s/

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Counsel for Specially-Appearing Defendants AWL, Inc., American Web Loan, Inc. and Red Stone, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February, 2018, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to all counsel of record.

By: /s/ Charles K. Seyfarth
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